

7 ENVIRONMENTAL, OCCUPATIONAL SAFETY, AND HEALTH PERMITS AND COMPLIANCE REQUIREMENTS

The major laws, regulations, executive orders, and compliance instruments that would apply to activities of the Depleted Uranium Hexafluoride Management Program under the no action and other alternatives are identified below. Various federal environmental statutes impose environmental protection and compliance requirements upon DOE. Further, those authorities have been assessed to determine which state and local environmental authorities are also applicable because they are delegated to the states for enforcement or implementation under federal law. It is DOE policy to conduct its operations in an environmentally safe manner in compliance with all applicable statutes, regulations, and standards. Although this chapter does not address pending legislation or regulations that may become effective in the future, DOE recognizes that the regulatory environment is rapidly changing and that the construction and operation of any future depleted UF₆ management alternative must be conducted in compliance with the applicable statutes, regulations, and standards in effect at the time.

The *Atomic Energy Act* of 1954 (42 *United States Code* [USC] 2011 et seq.) authorizes the DOE to establish standards to protect health or minimize dangers to life or property for its facilities and operations. The DOE has established an extensive system of standards and requirements through DOE Orders to ensure safe operation of its facilities. Executive Order 12088, “Federal Compliance with Pollution Control Standards,” requires federal agencies — including DOE — to comply with applicable administrative and procedural pollution control standards established by, but not limited to, the *Clean Air Act*, *Clean Water Act*, *Safe Drinking Water Act*, *Resource Conservation and Recovery Act*, and *Toxic Substances Control Act*.

In addition to those in Executive Order 12088, other environmental, occupational safety, and health permit and compliance requirements might also apply to activities under the PEIS alternatives. Depending on the locale chosen for the new activity, particularly the siting, construction, and operation of new facilities, these potential requirements might include the following:

- *Clean Air Act Amendments* (CAAA) of 1990 (Public Law 101549, 104 Statute 2684, November 15, 1990);
- *Federal Facilities Compliance Act* (FFCA) of 1992 (Public Law 120-386, 106 Statute 1505, October 6, 1992);
- *Atomic Energy Act* of 1954;
- *Low-Level Radioactive Waste Policy Act*;

- *Emergency Planning and Community Right-to-Know Act of 1986* (as extended to federal facilities by Executive Order 12856, August 3, 1993);
- *Endangered Species Act*, as amended;
- *Migratory Bird Treaty Act*, as amended;
- *Bald and Golden Eagle Protection Act*, as amended;
- *National Historic Preservation Act* of 1966, as amended;
- *Archaeological and Historic Preservation Act*;
- *American Indian Religious Freedom Act* of 1978;
- *Wild and Scenic Rivers Act*;
- *Farmland Protection Policy Act*;
- *Soil and Water Conservation Act* of 1977; and
- Executive Order 12898 — “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.”

DOE also entered into a Consent Order with the Department of Environment and Conservation of the State of Tennessee with respect to the management of the depleted UF₆ stored at the K-25 site. DOE has agreed that if it chooses any action alternative as the outcome of this PEIS, it shall, subject to appropriate NEPA review, either remove all known depleted UF₆ cylinders from K-25 or complete the conversion of their contents by December 31, 2009.

DOE has entered into an agreement with the Ohio EPA for the management of the depleted uranium stored at the Portsmouth site. This agreement, dated February 24, 1998, is entitled “Ohio EPA Director’s Final Findings and Orders” (DFF&O) and is the result of the State’s Notice of Violation issued against DOE. The DFF&O outlines the management, surveillance and maintenance activities, inspection requirements, and other requirements for the depleted UF₆, storage yards and cylinders owned by DOE at the Portsmouth site.